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To: 'microsoft.atr(a)usdoj.gov'
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Subject: Microsoft Settlement

My experience of Microsoft is a company that provides tools and business agreements that encourage smaller companies to endeavor to create new technologies and new markets. Unfortunately, when those markets begin to reach a status that would truly be economically advantageous to smaller companies and their shareholders, Microsoft apishly integrates inferior versions of the technology into there operating systems and declare them "innovation". Whether the motivation is malice or fear, the impact is the same.

I've not been closely following the details of the DOJ's case against Microsoft. While I agree with the findings of the District and Appellate courts that Microsoft engaged in illegal practices, I believe the proposed final judgment in the case is weak and ineffective.

I comment here with reservation, as I typically embrace a free trade stance in which government has an extremely limited roll in the function of business. Truly, I believe governments prosecute monopolies because they want to eliminate their own competition. As it is, the previous administration's handling of the case was a root cause in the burst of the .com bubble effectively committing one of the largest destructions of personal wealth in modern history. Although the decline in technologies may have been inevitable and warranted, I don't believe the government should have been the trigger.

As the lines between networking and operating system continue to blur, however, I believe the government has a roll in enabling free trade in the computer technology arena. Specifically, the proposed final judgment should include the following remedies:

- 1) Microsoft should be mandated to provide at no fee, open source licensing of all operating system code including networking and middleware protocols, device drivers, etc.
- 2) Compliance should be monitored and enforced by external independent audit.

Operating systems--specifically networking and middleware stacks--comprise a "software bus" structure that enables real innovation and competition to occur. Requiring Microsoft to release these would be similar to requiring the AT&T of old to publish standards on transmission voltages, switch requirements, dial tones frequencies, etc.

As to compliance, I frankly don't trust Microsoft to self-police; not out of malice, rather out of incompetence.

Thank you for allowing me to comment,
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